FOR MYSORE STATE

7—100,000—21-5-53.

HOME (195 3) Department.

Passed

R1 R1 SERIES.

G.O. No. 4011

Dated 25-11-53

[Despatch Abstract.]

Upayya, K - Ex. Constable 307 of South Kanara district - Dismissal - Petition for reinstatement - Rejected

C.No 1110 A/PRLS

-262-

To

The Honourable Chief Minister,
Government of Madras,
MADRAS.

Humble memorial submitted by K.Obayya, Ex-Police Constable No. 307 of South Kanara District, residing in Meepuguri of Koodlu village, Post Koodlu, Kasaragod Taluk, South Kanara District.

Through the District Superintendent of Police South Kanara

With profound feelings of respect and obedience I beg to place before you the following grievances of mine and pray for redress of the same.

1. I have been a Police Constable attached to the South Kanara District and has put in about 12 years service in the department. I have had maintained a clean defaulter sheet throughout my service during which I have had the good fortune of earning 7 good service entries and rewards.

172392/1/9

2. As my misfortune would have it, the District Superintendant of Police, South Kanara, in his P.R.No. 199/52 dated 8-12-1952 dismissed me from the Police Force with effect from 26-4-1952 which dismissal order is neither reasonable nor sound and opposed to all canons of justice and godd conscience.

The circumstances that led to the framing of charges against me are as follows:-

On 8-11-1951 I was attached to the Brahmawar Police Station, and was required to detect a person named Bacha Shetty who was under an arrest warrant. On coming to know that the warrantee was concealing himself in the Barakoor "Sri Vani Theatre" I proceeded there and after taking a pass from the booking clerk entered the theatre and was

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watching the movements of the warrantee, when Sri. Shredhara Pai, the proprietor of the theatre and 2 others assaulted me with intent to prevent and deter me from discharging my duty in consequence of which I had sustained injuries and my watch was damaged. The doctor attached to the Local Fund Dispensary, Barkur, who examined and treated me had also issued a wound certificate. I proceeded to the Police Station and gave a report to the effect that the aforesaid Sridhar Pai and 2 others, obstructed me while in discharge of my duty and also assaulted me, which report was registered as Crime No. 83/51 under Sec. 353 I.P.C. Thereupon the Sub Inspector of Police attached to the Brahmavar Police Station rushed to the scene of offence and arrested the accused who were duly remanded. In the meantime, Sri. R.Kaliappan, the then Probationary Deputy Superintendant of Police in charge of the Udipi Circle, on a telegram sent by the accused party, visited the scene of offence the next day and began to investigate into the matter. It is most humbly submitted that the 1st accused Sri. Shreedhara Pai is a rich and influential person and that the aforesaid Probationary Deputy Superintendant of Police Sri. R.Kaliappan was a close friend of Sri.K.D.Kamath of Udipi who happens to be the brother of Sri. Shreedhara Pai who assaulted me. It is needless to submit that Sri.R.Kaliappan who was interested in helping Sri. Shreedhara Pai acted prejudically and to my detriment. After a hasty investigation he refrred the complaint filed by me as false and not satisfied with this he moved the District Superintendant of Police, South Kanara, to take action against me, as a result of which charges of (a) neglect of beat duty, (b) causing an affray at the Barkur cinema theatre on 8-11-1951 and (c) making a false report about the incident,were framed against me and a departmental enquiry

was held and I was dismissed from the police.

3. It is very unfortunate that a poor law paid and helpless Government servant like me having put in 12 years obedient service in the department in the course of which earned 7 good service entries and rewards to my credit without having been found fault with in the duties atleast once in the long service of 12 years should be arbitrarily dismissed from service and the culprits who have assaulted me, knowing fully well that I was there duty bound to execute the aforesaid warrant, should be left scot free.

4. The so-called departmental enquiry was irregular and very many things were suppressed during the enquiry. After the Deputy Superintendant of Police submitted his minute of enquiry dated 12-6-1952 to the District Superintendant of Police, who in his turn, under date 1-7-1952 called on me to show cause why I should not be dismissed on the strength of the findings in the Deputy Superintendant of Police's minute. Although I humbly and promptly submitted a detailed explanation stating all my grounds the learned District Superintendant of Police, passed orders dismissing me on 8-12-1952. Thereupon I preferred an appeal to the Deputy Inspector-General of Police, Western Range, Coimbatore, who also summarily rejected my appeal in his order C.No. 113/Appeal/53 dated 13th March 1953. Being highly aggrieved by the orders of the District Superintendant of Police in His P.R.No. 199/52 dated 8-12-1952 dismissing me from the Police Force and the orders of the Deputy Inspector General of Police, Western Range, Coimbatore, rejecting my appeal against the abovesaid order of dismissal, I, on 8-5-1953 preferred a memorial to the Inspector-General of Police, Madras, who in his order dated 13th July 1953 (F.C.C. No. 623/A/PR/53) declined to interfere in the matter.

5. Under these circumstances I am constrained to submit this humble memorial to Your Honour and pray for redress of the wrong and injustice done to me. The enquiry in connection with the charges framed against me having been long protracted for over a year, I have been subjected to very great hardships. Being deprived of my job I am reduced to a pauper and rendered a destitute and my family including my ailing wife and 2 minor children are compelled to starve.

Under these circumstances, I beg of you, Sir, most humbly, to direct the officers concerned to re-appoint me in the force or in the alternative order that a fresh and impartial tribunal be appointed immediately to enquire into the charges framed against me, the arbitrary orders passed in dismissing me from the police ~~force be set aside and the~~ wrong and injustice done to a poor helpless government servant like me be redressed.

I beg to remain,
Sir,
Yours obedient servant,

T Ouayya

Kasaragod.)
26-8-1953.)

Enclosure#:
~~1. Draft copy of the memorial submitted to the Inspector General of Police, Madras dated 8th May 1953.~~

Copy submitted to Janab M.S.Mogral, Member, Legislative Assembly, Madras.

b b

Home dept

Endt No. 172992 Rdl II/53-1 dt 4.9.53

Returned to the petitioner for submission through the proper channel.

(By Order)

Sastry
Under Secretary to Govt
3.9.53.

To.

K. Obayya,
Ex P.C
Meepuguri,
Koodlu village and post,
Kasaragod taluk,
South Kanara dt.

Resubmitted through the District Superintendent of Police, South Kanara.

2) The minute in P.R. No. 199/52 (2) Orders of the D.I.G. in C.No. 113/Appeal/53 and the Orders of the I.G. of Police in F.O.C.No. 623/A/P.R./53 are enclosed.

K. Obayya 16.9.53
Memorialist.

Kasargod.)
16-9-53.)

R.C.No. 179/RT/53.

Forwarded to the Dy. Inspr.-Genl. of Police, Western Range, Coimbatore.

2) I offer the following remarks on the memorial of Ex.P.C. 307 K. Obaiya to Honourable Chief Minister of Madras.

Para 1:- This is introductory and hence no remarks.

Para 2:- The memorialist has not brought out any facts other than those already considered by the appellate authorities. The version of the incident given by him is palpably unrealistic. If he was really going about the work of apprehending a warrantee, there was no reason why the theatre proprietor and others should have deterred and assaulted him. The fact that the delqt. himself had sustained some injuries does not prove that he was the innocent victim of the assault. On the other hand, all the evidence indicates that the P.C. had conducted himself in a most provocative manner with the theatre people leading to an affray. The action taken by the S.I. on the P.C's report of the incident was hasty and high handed and possibly malafide, as the investigation by the Procy. Dy. Supdt. of Police showed. The P.C's complaint was correctly referred as false. The Stry. Sub Magistrate before whom the P.C. filed a private complaint in this regard also came to the same conclusion.

Para 3:- No remarks.

Para 4:- The allegation that the departmental enquiry was irregular and many things were suppressed during the enquiry is not substantiated by any instances.

Para 5:- No remarks.

Mangalore,
2-10-53.

Dy. Supdt. of Police, CR.

Name Sri K Obaya Rank Dr 307 Date of Enlistment 28.7.1941

(a) In the case of the Police Department, the earning and forfeiture of good conduct stripes and the award of increments should be entered in red ink across the sheet. C.F. 211.

No.	Reference to papers or other documents.	Nature of offence. (a)	Date when committed.	Punishment. Black mark.	Punishment. Others.	By whom ordered.	Date and order or signature of the head of the office.	Remark
(1)		Neglect of beat duty causing an affray at the Barkur cinema Theatre between 6 P.M. and 8 P.M. on 8.11.51 and making false report about the incident	8.11.51	Dismissed from the force from the date of suspension		DSP Sk	PK 199/52 8/12/52	

True copy
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M Kamaiah
13.6
Dy Supdt of Police Sa
11/6

D
19/6/52

11

Subject:-Obayya, K. Ex. Constable 307 of South Kanara district - Dismissal - Petition to Chief Minister.

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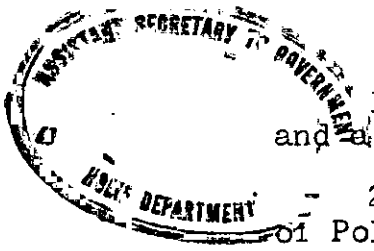
R.C.No.110-A/PR/53.



Forwarded with copies of the orders petitioned against and a copy of the defaulter sheet of the petitioner.

2. A copy of the remarks of the District Superintendent of Police, South Kanara in his endorsement Rc.No.199/PR/53 dated 2-10-53 is enclosed.

3. Particulars in regard to the age and service of the petitioner are given below:-

20175⁴
3/11

Age. (Date of birth 17-1-19)	34 years.
Date of enlistment.	28-7-41. Transferred to S.C on 4.3

4. Attention is also invited in this connection to Home Department endorsement No.33697-Police II/52-1, dated 29-2-52 and my letter Rc.No.639/PR/52 dated 5/7-4-52.

Office of the
Inspr.-Genl. of Police,
P.B.No.601, Madras 4
Dated ~~Octr.~~ 1953.

2/11

S. Nasim Ahmed 30/10
for Inspr.-Genl. of Police.

To

The Secretary to the Government of Madras,
Home Department.

as.30.10.

30/10

[C.No. 201754 Pol II/53]

Home Dept.
25.11.53

G.O.K.No. 4011

Obayya, K - Ex. constable 307 of South Kanara district - Dismissal - Petn. for reinstatement - Rejected

Read :- From the I.G of Police, R.C. No. 110-A/PR/53 dated 2.11.53

Order :

The petition is rejected under instruction XVII (7) of the Instructions regarding the submission and receipt of petitions and other papers of the same class addressed to the Govt of Madras, reproduced below: -

XVII : Petitions addressed to the Government will be liable to summary rejection in the following cases: -

x x x

(7) when the petition is a representation against a decision which is declared to be final by any law or statutory rule."

The petitioner should be informed accordingly.

To
The I. G of Police,
Madras. 4
(4 copies and pp 7-22 cf in orgl).

HOME DEPARTMENT.

[G.O.No.201754 Pol II/53]

OBAYYA, K - Ex-constable 307 of South Kanara District - Dismissal - Petition for reinstatement.

Ref: From the I.G. of Police, R.C. No. 110-A/PR/53 dated 2-11-53.

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In the petition at pp. 1-4 c.f., Obayya, ex-P.C. 307 of Udipi police station, South Kanara dt., who was dismissed from the force on a charge of neglect of beat duty, causing an affray at the Barkur Cinema theatre between 6 P.M. and 8 P.M. on 8-11-51 and making a false report about the incident, has requested that he may be reinstated in service.

2. The facts of the case are as follows:-

The delinquent was a P.C. attached to Brahmawar Police Station. On 7-11-51, he was deputed on beat duty with instructions to return to Station the next day at 5 P.M. The delinquent however returned only at 9.30 p.m. on 8-11-51. P.W.6 the S.I. had recorded both in the beat ticket and in the note book of the delinquent that he returned to station at 9.30 p.m. on 8-11-51.

On 8-11-51 at about 7.15 p.m. the delinquent went to Barkur and obtained a pass for a nine annas seat from one Manjunatha Naik, Booking Clerk of the Cinema theatre and occupied a twelve annas seat. When the delinquent was requested by the gate man Mohiuddin Beary to change his seat the delinquent refused and came out of the auditorium and argued with the gate man. When the Manager of the Cinema Sridhar Pai enquired of the delinquent he (delinquent) used vulgar words to him and on the Manager telling him not to talk in that strain, the delinquent attempted to strike the Manager with his umbrella. An affray ensued, and the delinquent had to be separated by one Sequeira. The delinquent was then wearing Khaki shorts and shirt without turban and puttis.

The delinquent then went to the police Station and

have a report to the effect that Sridhara Pai (P.W.1) with the aid of two others had obstructed him while in the discharge of his duty and also assaulted him. A case was registered in Cr. No. 83/51 under Section 353 I.P.C. at Brahmavar station and investigated by the Probationary Dy.S.P. then in charge of Udipi Circle. The delinquent's complaint was found to be false and the case was referred as such.

C on p 9 cf

A formal enquiry was held and the enquiring officer held the charge against the petitioner to have been proved. After examining the further representation of the petitioner, the D.S.P. also held the charge to have been proved, and he therefore dismissed the petitioner from service -- vide copy of the minute and order of the D.S.P. at pp. 9-17 c.f. The ex-p.c's appeal to the D.I.G. and further petition to the I.G. were rejected in the proceedings at pp. 19 and 21 c.f. respectively.

X on p 17 cf
Y on p 17 cf
Z on p 17 cf
B

3. The points raised by the petitioner in the petition at pp. 1-4 c.f. have been met by the D.S.P. in his remarks at p. 23 c.f. A copy of the defaulter sheet of the petitioner is at pp. 5-26 c.f. The petitioner was aged about 34 years, and had put in a service of about 11½ years at the time of his dismissal in December 1952. There was no procedural irregularity in connection with his dismissal.

para 3, p 27 cf

4. No appeal lies to Govt. in this case. The petition is liable to summary rejection under instruction XVII(7) of the instructions for the submission of petitions to Govt.

p 67 of Bk No 145 not found

For orders.

16.11.53
16-11-53
18

one petition may be summarily rejected

L
19/11

Thyco S.C
w.r.t para 4 p 27 cf
Y
19/11
On 11/12 The Com. referred to on p 27 cf. is not available in this case.

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A draft order is submitted for approval.

21.11.53
21/11/53

Issued vide G.O.R. 4011 Home dt. 21-11-53
21/11/53